

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

COMPONENTONE, L.L.C.,)	
)	
Plaintiff,)	
)	
v.)	02: 05cv1122
)	
COMPONENTART, INC.,)	
STEVE G. ROLUFS, MILJAN BRATICEVIC,)	
DUSAN BRATIEVIC, and)	
CYBERAKT, INC.,)	
)	
Defendants.)	

MEMORANDUM ORDER OF COURT

Presently pending before the Court for disposition is the MOTION FOR RECONSIDERATION IN PART filed by Plaintiff, ComponentOne, L.L.C. (“ComponentOne”), with brief in support (*Document Nos. 159 and 160*, respectively), RESPONSE in opposition filed by Defendants (*Document No. 165*), and the SUR-REPLY filed by Plaintiff (*Document No. 166*).

ComponentOne asks the Court for reconsideration of the Memorandum Opinion and Order of Court entered December 6, 2007, in which the Court granted the Motion for Partial Summary Judgment filed by the Defendants and dismissed as a matter of law Counts Three and Nine of the Amended Complaint.¹

Generally a motion for reconsideration will only be granted if: (1) there has been an intervening change in controlling law; (2) new evidence, which was not previously available,

¹ Plaintiff has not sought reconsideration of the dismissal of Count Three of the Amended Complaint; rather, Plaintiff requests the Court to reconsider only its decision to dismiss Count Nine of the Amended Complaint (the Pennsylvania dilution claim brought pursuant to 54 Pa.C.S.A. § 1124).

has become available; or (3) necessary to correct a clear error of law or to prevent manifest injustice. *Hirsch Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985), *cert. denied*, 47 U.S. 1171 (1986).

ComponentOne continues to advance the same arguments which it made in its original response to the Motion for Partial Summary Judgment and said arguments were previously given due consideration and found not convincing by the Court. Therefore, the Court finds that the arguments raised in the instant motion do not warrant further analytical discussion.

Fatal to the pending motion is that nothing new in law or evidence has been supplemented to the record by the Motion for Reconsideration of the Memorandum Opinion and Order of December 6, 2007, and no error of law or manifest injustice has been demonstrated.

AND NOW, this 4th day of January, 2008, it is **ORDERED, ADJUDGED, AND DECREED** that the MOTION FOR RECONSIDERATION IN PART is hereby **DENIED**.

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

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